

Bill No. SB 1700

Barcode 325292    Comm: RCS    04/03/2006 04:08 PM

586-2103-06

Proposed Committee Substitute by the Committee on Children and Families

1                                    A bill to be entitled

2            An act relating to child support; amending s.

3            61.13, F.S.; requiring either or both parents

4            who owe support to secure a child support

5            award; amending s. 61.30, F.S.; providing that

6            the amount of a child support award resulting

7            from the application of the child support

8            guidelines schedule creates a rebuttable

9            presumption of correctness; providing

10           circumstances in which specified variances in

11           awards require a written finding; providing for

12           modification of existing orders; providing for

13           the determination of gross income; providing

14           for the imputation of income under certain

15           circumstances; providing for the determination

16           of net income; providing the child support

17           guidelines schedule; providing for

18           determination of the amount of child support

19           for low-income and high-income parents;

20           providing for child care costs and health care

21           costs to be added to the minimum obligation;

22           revising factors to be considered by the court

23           in adjusting child support awards; providing

24           for shared parenting arrangements; providing

25           for calculation of child support orders in

26           cases of split parenting arrangements;

27           specifying the method for determining the

28           amount of a child support order; requiring

29           submission of financial affidavits; providing

30           for the consideration of subsequent children;

31           providing for income information in the event

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1 of noncooperation by a public assistance  
2 recipient for purposes of child support;  
3 providing for review of the child support  
4 guidelines; providing for retroactive child  
5 support; amending s. 409.2564, F.S.; providing  
6 a threshold for arrearages before passport  
7 restrictions apply; amending s. 409.25641,  
8 F.S.; requiring the Department of Revenue to  
9 employ automated administrative enforcement of  
10 support orders in interstate cases; authorizing  
11 the department to establish a corresponding  
12 case under certain circumstances; providing for  
13 a review and report by the Office of Program  
14 Policy Analysis and Government Accountability;  
15 providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Paragraphs (a) and (c) of subsection (1) of  
20 section 61.13, Florida Statutes, are amended to read:

21 61.13 Custody and support of children; visitation  
22 rights; power of court in making orders.--

23 (1)(a) In a proceeding under this chapter, the court  
24 may at any time order either or both parents who owe a duty of  
25 support to a child to pay support in accordance with the child  
26 support guidelines in s. 61.30. The court initially entering  
27 an order requiring one or both parents to make child support  
28 payments shall have continuing jurisdiction after the entry of  
29 the initial order to modify the amount and terms and  
30 conditions of the child support payments when the modification  
31 is found necessary by the court in the best interests of the

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child, when the child reaches majority, or when there is a substantial change in the circumstances of the parties. The court initially entering a child support order shall also have continuing jurisdiction to require the obligee to report to the court on terms prescribed by the court regarding the disposition of the child support payments.

(c) To the extent necessary to protect an award of child support, the court may order either or both parents who owe a duty of support to a child ~~the obligor~~ to purchase or maintain a life insurance policy or a bond, or to otherwise secure the child support award with any other assets which may be suitable for that purpose, depending upon the equities of the cause.

Section 2. Section 61.30, Florida Statutes, is amended to read:

61.30 Child support guidelines; guidelines schedule; retroactive child support.--

(1)(a) The child support guideline amount as determined by this section presumptively establishes the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support which varies, plus or minus 5 percent, from the guideline amount, after considering all relevant factors, including the needs of the child or children, age, station in life, standard of living, and the financial status and ability of each parent. The trier of fact may order payment of child support in an amount which varies more than 5 percent from such guideline amount only upon a written finding explaining why ordering payment of such

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1 guideline amount would be unjust or inappropriate.

2 Notwithstanding the variance limitations of this section, the  
3 trier of fact shall order payment of child support which  
4 varies from the guideline amount as provided in paragraph  
5 (11)(b) whenever any of the children are required by court  
6 order or mediation agreement to spend a substantial amount of  
7 time with the primary and secondary residential parents. This  
8 requirement applies to any living arrangement, whether  
9 temporary or permanent.

10 (b) The guidelines may provide the basis for proving a  
11 substantial change in circumstances upon which a modification  
12 of an existing order may be granted. However, the difference  
13 between the existing monthly obligation and the amount  
14 provided for under the guidelines shall be at least 15 percent  
15 or \$50, whichever amount is greater, before the court may find  
16 that the guidelines provide a substantial change in  
17 circumstances.

18 (c) For each support order reviewed by the department  
19 as required by s. 409.2564(11), if the amount of the child  
20 support award under the order differs by at least 10 percent  
21 but not less than \$25 from the amount that would be awarded  
22 under s. 61.30, the department shall seek to have the order  
23 modified and any modification shall be made without a  
24 requirement for proof or showing of a change in circumstances.

25 (2) Income shall be determined on a monthly basis for  
26 each parent ~~the obligor and for the obligee~~ as follows:

27 (a) Gross income shall include, but is not limited to,  
28 the following ~~items~~:

29 1. Salary or wages.

30 2. Bonuses, commissions, allowances, overtime, tips,  
31 and other similar payments.

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1           3. Business income from sources such as  
2 self-employment, partnership, close corporations, and  
3 independent contracts. "Business income" means gross receipts  
4 minus ordinary and necessary expenses required to produce  
5 income.

6           4. Disability benefits.

7           5. All workers' compensation benefits and settlements.

8           6. Unemployment compensation.

9           7. Pension, retirement, or annuity payments.

10          8. Social security benefits.

11          9. Spousal support received from a previous marriage  
12 or court ordered in the marriage before the court.

13          10. Interest and dividends.

14          11. Rental income, which is gross receipts minus  
15 ordinary and necessary expenses required to produce the  
16 income.

17          12. Income from royalties, trusts, or estates.

18          13. Reimbursed expenses or in kind payments to the  
19 extent that they reduce living expenses.

20          14. Gains derived from dealings in property, unless  
21 the gain is nonrecurring.

22          (b)1. Income on a monthly basis shall be imputed to an  
23 unemployed or underemployed parent when such employment or  
24 underemployment is found by the court to be voluntary on that  
25 parent's part, absent a finding of fact by the court of  
26 physical or mental incapacity or other circumstances over  
27 which the parent has no control. In the event of such  
28 voluntary unemployment or underemployment, the employment  
29 potential and probable earnings level of the parent shall be  
30 determined based upon his or her recent work history,  
31 occupational qualifications, and prevailing earnings level in

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the community as provided in this paragraph; however, the court may refuse to impute income to a primary residential parent if the court finds it necessary for the parent to stay home with the child who is the subject of the child support calculation to care for that child.

2. In order for the court to impute income under subparagraph 1., the court must make specific findings of fact consistent with the requirements of this paragraph. The party seeking to impute income has the burden to present competent, substantial evidence:

a. That the unemployment or underemployment is voluntary; and

b. That identifies the amount and source of the imputed income, through evidence of available income from employment for which the party is suitably qualified by education, experience, current licensure, or geographic location, with due consideration being given to the parties' current existing parental obligations and time-sharing plan and their historical compliance with the plan.

3. A rebuttable presumption shall exist, which entitles the court to impute Florida minimum wage to a parent if no other evidentiary basis or mechanism for establishing a parent's gross income is available, absent a finding by the court that:

a. The parent has a physical or mental incapacity that renders the parent unemployable or underemployed;

b. The parent needs to stay home with a child who is the subject of the child support calculation proceedings and care for that child, thereby preventing the parent's employment or rendering the parent underemployed; or

c. There are other circumstances over which the parent

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1 has no control, except for penal incarceration, which prevents  
2 the parent from earning an income.

3  
4 If evidence is produced which demonstrates that the parent is  
5 a resident of another state, the state minimum wage applicable  
6 to the parent's state of residence shall apply if it is  
7 greater than the Florida minimum wage. In the absence of a  
8 state minimum wage or if the other state's minimum wage is  
9 lower than the Florida minimum wage, the federal minimum wage  
10 as determined by the United States Department of Labor shall  
11 apply.

12 4. Income may not be imputed beyond minimum wage  
13 requirements in subparagraph 3. based upon:

14 a. Income records that are more than 5 years old at  
15 the time of the hearing or trial at which imputation is  
16 sought.

17 b. Income at a level that a party has not previously  
18 earned, unless recently degreed, licensed, certified,  
19 relicensed, or recertified and thus qualified for, subject to  
20 geographic location, with due consideration being given to the  
21 parties' current existing parental obligations and  
22 time-sharing plan and their historical compliance with the  
23 plan.

24 (c) Public assistance as defined in s. 409.2554 shall  
25 be excluded from gross income.

26 (3)(a) Net income is obtained by subtracting allowable  
27 deductions from gross income. Allowable deductions shall  
28 include:

29 (a) Federal, state, and local income tax deductions,  
30 adjusted for actual filing status and allowable dependents and  
31 income tax liabilities.

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1 (b) Federal insurance contributions or self-employment  
2 tax.

3 (c) Mandatory union dues.

4 (d) Mandatory retirement payments.

5 (e) Health insurance payments, excluding payments for  
6 coverage of the minor child.

7 (f) Court-ordered support for other children which is  
8 actually paid.

9 (g) Spousal support paid pursuant to a court order  
10 from a previous marriage or the marriage before the court.

11 (4) Net income for each parent ~~the obligor and net~~  
12 ~~income for the obligee~~ shall be computed by subtracting  
13 allowable deductions from gross income.

14 (5) Net income for each parent ~~the obligor and net~~  
15 ~~income for the obligee~~ shall be added together for a combined  
16 net income.

17 (6) The following schedules shall be applied to the  
18 combined net income to determine the minimum child support  
19 need:

20 Combined

21 Monthly

Available		Child or Children					
Income	One	Two	Three	Four	Five	Six	
650.00	74	75	75	76	77	78	
700.00	119	120	121	123	124	125	
750.00	164	166	167	169	171	173	
800.00	190	211	213	216	218	220	
850.00	202	257	259	262	265	268	
900.00	213	302	305	309	312	315	
950.00	224	347	351	355	359	363	
1000.00	235	365	397	402	406	410	



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1	1050.00	246	382	443	448	453	458
2	1100.00	258	400	489	495	500	505
3	1150.00	269	417	522	541	547	553
4	1200.00	280	435	544	588	594	600
5	1250.00	290	451	565	634	641	648
6	1300.00	300	467	584	659	688	695
7	1350.00	310	482	603	681	735	743
8	1400.00	320	498	623	702	765	790
9	1450.00	330	513	642	724	789	838
10	1500.00	340	529	662	746	813	869
11	1550.00	350	544	681	768	836	895
12	1600.00	360	560	701	790	860	920
13	1650.00	370	575	720	812	884	945
14	1700.00	380	591	740	833	907	971
15	1750.00	390	606	759	855	931	996
16	1800.00	400	622	779	877	955	1022
17	1850.00	410	638	798	900	979	1048
18	1900.00	421	654	818	923	1004	1074
19	1950.00	431	670	839	946	1029	1101
20	2000.00	442	686	859	968	1054	1128
21	2050.00	452	702	879	991	1079	1154
22	2100.00	463	718	899	1014	1104	1181
23	2150.00	473	734	919	1037	1129	1207
24	2200.00	484	751	940	1060	1154	1234
25	2250.00	494	767	960	1082	1179	1261
26	2300.00	505	783	980	1105	1204	1287
27	2350.00	515	799	1000	1128	1229	1314
28	2400.00	526	815	1020	1151	1254	1340
29	2450.00	536	831	1041	1174	1279	1367
30	2500.00	547	847	1061	1196	1304	1394
31	2550.00	557	864	1081	1219	1329	1420

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1	2600.00	568	880	1101	1242	1354	1447
2	2650.00	578	896	1121	1265	1379	1473
3	2700.00	588	912	1141	1287	1403	1500
4	2750.00	597	927	1160	1308	1426	1524
5	2800.00	607	941	1178	1328	1448	1549
6	2850.00	616	956	1197	1349	1471	1573
7	2900.00	626	971	1215	1370	1494	1598
8	2950.00	635	986	1234	1391	1517	1622
9	3000.00	644	1001	1252	1412	1540	1647
10	3050.00	654	1016	1271	1433	1563	1671
11	3100.00	663	1031	1289	1453	1586	1695
12	3150.00	673	1045	1308	1474	1608	1720
13	3200.00	682	1060	1327	1495	1631	1744
14	3250.00	691	1075	1345	1516	1654	1769
15	3300.00	701	1090	1364	1537	1677	1793
16	3350.00	710	1105	1382	1558	1700	1818
17	3400.00	720	1120	1401	1579	1723	1842
18	3450.00	729	1135	1419	1599	1745	1867
19	3500.00	738	1149	1438	1620	1768	1891
20	3550.00	748	1164	1456	1641	1791	1915
21	3600.00	757	1179	1475	1662	1814	1940
22	3650.00	767	1194	1493	1683	1837	1964
23	3700.00	776	1208	1503	1702	1857	1987
24	3750.00	784	1221	1520	1721	1878	2009
25	3800.00	793	1234	1536	1740	1899	2031
26	3850.00	802	1248	1553	1759	1920	2053
27	3900.00	811	1261	1570	1778	1940	2075
28	3950.00	819	1275	1587	1797	1961	2097
29	4000.00	828	1288	1603	1816	1982	2119
30	4050.00	837	1302	1620	1835	2002	2141
31	4100.00	846	1315	1637	1854	2023	2163

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1	4150.00	854	1329	1654	1873	2044	2185
2	4200.00	863	1342	1670	1892	2064	2207
3	4250.00	872	1355	1687	1911	2085	2229
4	4300.00	881	1369	1704	1930	2106	2251
5	4350.00	889	1382	1721	1949	2127	2273
6	4400.00	898	1396	1737	1968	2147	2295
7	4450.00	907	1409	1754	1987	2168	2317
8	4500.00	916	1423	1771	2006	2189	2339
9	4550.00	924	1436	1788	2024	2209	2361
10	4600.00	933	1450	1804	2043	2230	2384
11	4650.00	942	1463	1821	2062	2251	2406
12	4700.00	951	1477	1838	2081	2271	2428
13	4750.00	959	1490	1855	2100	2292	2450
14	4800.00	968	1503	1871	2119	2313	2472
15	4850.00	977	1517	1888	2138	2334	2494
16	4900.00	986	1530	1905	2157	2354	2516
17	4950.00	993	1542	1927	2174	2372	2535
18	5000.00	1000	1551	1939	2188	2387	2551
19	5050.00	1006	1561	1952	2202	2402	2567
20	5100.00	1013	1571	1964	2215	2417	2583
21	5150.00	1019	1580	1976	2229	2432	2599
22	5200.00	1025	1590	1988	2243	2447	2615
23	5250.00	1032	1599	2000	2256	2462	2631
24	5300.00	1038	1609	2012	2270	2477	2647
25	5350.00	1045	1619	2024	2283	2492	2663
26	5400.00	1051	1628	2037	2297	2507	2679
27	5450.00	1057	1638	2049	2311	2522	2695
28	5500.00	1064	1647	2061	2324	2537	2711
29	5550.00	1070	1657	2073	2338	2552	2727
30	5600.00	1077	1667	2085	2352	2567	2743
31	5650.00	1083	1676	2097	2365	2582	2759

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1	5700.00	1089	1686	2109	2379	2597	2775
2	5750.00	1096	1695	2122	2393	2612	2791
3	5800.00	1102	1705	2134	2406	2627	2807
4	5850.00	1107	1713	2144	2418	2639	2820
5	5900.00	1111	1721	2155	2429	2651	2833
6	5950.00	1116	1729	2165	2440	2663	2847
7	6000.00	1121	1737	2175	2451	2676	2860
8	6050.00	1126	1746	2185	2462	2688	2874
9	6100.00	1131	1754	2196	2473	2700	2887
10	6150.00	1136	1762	2206	2484	2712	2900
11	6200.00	1141	1770	2216	2495	2724	2914
12	6250.00	1145	1778	2227	2506	2737	2927
13	6300.00	1150	1786	2237	2517	2749	2941
14	6350.00	1155	1795	2247	2529	2761	2954
15	6400.00	1160	1803	2258	2540	2773	2967
16	6450.00	1165	1811	2268	2551	2785	2981
17	6500.00	1170	1819	2278	2562	2798	2994
18	6550.00	1175	1827	2288	2573	2810	3008
19	6600.00	1179	1835	2299	2584	2822	3021
20	6650.00	1184	1843	2309	2595	2834	3034
21	6700.00	1189	1850	2317	2604	2845	3045
22	6750.00	1193	1856	2325	2613	2854	3055
23	6800.00	1196	1862	2332	2621	2863	3064
24	6850.00	1200	1868	2340	2630	2872	3074
25	6900.00	1204	1873	2347	2639	2882	3084
26	6950.00	1208	1879	2355	2647	2891	3094
27	7000.00	1212	1885	2362	2656	2900	3103
28	7050.00	1216	1891	2370	2664	2909	3113
29	7100.00	1220	1897	2378	2673	2919	3123
30	7150.00	1224	1903	2385	2681	2928	3133
31	7200.00	1228	1909	2393	2690	2937	3142

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1	7250.00	1232	1915	2400	2698	2946	3152
2	7300.00	1235	1921	2408	2707	2956	3162
3	7350.00	1239	1927	2415	2716	2965	3172
4	7400.00	1243	1933	2423	2724	2974	3181
5	7450.00	1247	1939	2430	2733	2983	3191
6	7500.00	1251	1945	2438	2741	2993	3201
7	7550.00	1255	1951	2446	2750	3002	3211
8	7600.00	1259	1957	2453	2758	3011	3220
9	7650.00	1263	1963	2461	2767	3020	3230
10	7700.00	1267	1969	2468	2775	3030	3240
11	7750.00	1271	1975	2476	2784	3039	3250
12	7800.00	1274	1981	2483	2792	3048	3259
13	7850.00	1278	1987	2491	2801	3057	3269
14	7900.00	1282	1992	2498	2810	3067	3279
15	7950.00	1286	1998	2506	2818	3076	3289
16	8000.00	1290	2004	2513	2827	3085	3298
17	8050.00	1294	2010	2521	2835	3094	3308
18	8100.00	1298	2016	2529	2844	3104	3318
19	8150.00	1302	2022	2536	2852	3113	3328
20	8200.00	1306	2028	2544	2861	3122	3337
21	8250.00	1310	2034	2551	2869	3131	3347
22	8300.00	1313	2040	2559	2878	3141	3357
23	8350.00	1317	2046	2566	2887	3150	3367
24	8400.00	1321	2052	2574	2895	3159	3376
25	8450.00	1325	2058	2581	2904	3168	3386
26	8500.00	1329	2064	2589	2912	3178	3396
27	8550.00	1333	2070	2597	2921	3187	3406
28	8600.00	1337	2076	2604	2929	3196	3415
29	8650.00	1341	2082	2612	2938	3205	3425
30	8700.00	1345	2088	2619	2946	3215	3435
31	8750.00	1349	2094	2627	2955	3224	3445

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1	8800.00	1352	2100	2634	2963	3233	3454
2	8850.00	1356	2106	2642	2972	3242	3464
3	8900.00	1360	2111	2649	2981	3252	3474
4	8950.00	1364	2117	2657	2989	3261	3484
5	9000.00	1368	2123	2664	2998	3270	3493
6	9050.00	1372	2129	2672	3006	3279	3503
7	9100.00	1376	2135	2680	3015	3289	3513
8	9150.00	1380	2141	2687	3023	3298	3523
9	9200.00	1384	2147	2695	3032	3307	3532
10	9250.00	1388	2153	2702	3040	3316	3542
11	9300.00	1391	2159	2710	3049	3326	3552
12	9350.00	1395	2165	2717	3058	3335	3562
13	9400.00	1399	2171	2725	3066	3344	3571
14	9450.00	1403	2177	2732	3075	3353	3581
15	9500.00	1407	2183	2740	3083	3363	3591
16	9550.00	1411	2189	2748	3092	3372	3601
17	9600.00	1415	2195	2755	3100	3381	3610
18	9650.00	1419	2201	2763	3109	3390	3620
19	9700.00	1422	2206	2767	3115	3396	3628
20	9750.00	1425	2210	2772	3121	3402	3634
21	9800.00	1427	2213	2776	3126	3408	3641
22	9850.00	1430	2217	2781	3132	3414	3647
23	9900.00	1432	2221	2786	3137	3420	3653
24	9950.00	1435	2225	2791	3143	3426	3659
25	10000.00	1437	2228	2795	3148	3432	3666

26

27 For combined monthly available income less than the amount set  
 28 out on the above schedules, the parent should be ordered to  
 29 pay a child support amount, determined on a case-by-case  
 30 basis, to establish the principle of payment and lay the basis  
 31 for increased orders should the parent's income increase in

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the future. For combined monthly available income greater than the amount set out in the above schedules, the obligation shall be the minimum amount of support provided by the guidelines schedule plus the following percentages multiplied by the amount of income over \$10,000:

Child or Children

One	Two	Three	Four	Five	Six
5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

(7) Child care costs incurred on behalf of the children due to employment, job search, or education calculated to result in employment or to enhance income of current employment of either parent shall be ~~reduced by 25 percent and then shall be~~ added to the basic obligation. After the ~~adjusted~~ child care costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for child care costs for the child or children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children. Child care costs shall not exceed the level required to provide quality care from a licensed source for the children.

(8) Health insurance costs resulting from coverage ordered pursuant to s. 61.13(1)(b), and any noncovered medical, dental, and prescription medication expenses of the child, shall be added to the basic obligation unless these expenses have been ordered to be separately paid on a percentage basis. After the health insurance costs are added to the basic obligation, any moneys prepaid by the noncustodial parent for health-related costs for the child or

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children of this action shall be deducted from that noncustodial parent's child support obligation for that child or those children.

(9) Each parent's percentage share of the child support need shall be determined by dividing each parent's net monthly income by the combined net monthly income.

(10) The total minimum child support need shall be determined by adding child care costs and health insurance costs to the minimum child support need. Each parent's actual dollar share of the total minimum child support need shall be determined by multiplying the minimum child support need by each parent's percentage share of the combined monthly net income.

(11)(a) The court may adjust the total minimum child support award, or either or both parents' share of the minimum child support award, based upon the following deviation factors ~~considerations~~:

1. Extraordinary medical, psychological, educational, or dental expenses.

2. Independent income of the child, not to include moneys received by a child from supplemental security income.

3. The payment of support for a parent which regularly has been paid and for which there is a demonstrated need.

4. Seasonal variations in one or both parents' incomes or expenses.

5. The age of the child, taking into account the greater needs of older children.

6. Special needs, such as costs that may be associated with the disability of a child, that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the presumptive



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1 amount established by the ~~proposed~~ guidelines.

2           7. Total available assets of the obligee, obligor, and  
3 the child.

4           8. The impact of the Internal Revenue Service  
5 dependency exemption and waiver of that exemption and the  
6 impact of any federal child care tax credit. The court may  
7 order the primary residential parent to execute a waiver of  
8 the Internal Revenue Service dependency exemption if the  
9 noncustodial parent is current in support payments.

10           9. When application of the child support guidelines  
11 requires a person to pay another person more than 55 percent  
12 of his or her gross income for a child support obligation for  
13 current support resulting from a single support order.

14           10. The particular parenting ~~shared parental~~  
15 arrangement, such as where the child spends a significant  
16 amount of time, but less than 20 ~~40~~ percent of the overnights,  
17 with the noncustodial parent, thereby reducing the financial  
18 expenditures incurred by the primary residential parent; or  
19 the refusal of the noncustodial parent to become involved in  
20 the activities of the child.

21           11. Any other adjustment which is needed to achieve an  
22 equitable result which may include, but not be limited to, a  
23 reasonable and necessary existing expense or debt. Such  
24 expense or debt may include, but is not limited to, a  
25 reasonable and necessary expense or debt which the parties  
26 jointly incurred during the marriage.

27           (b) Whenever a particular parenting ~~shared parental~~  
28 arrangement provides that each child spend a substantial  
29 amount of time with each parent, the court shall adjust any  
30 award of child support, as follows:

31           1. In accordance with subsections (9) and (10),

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1 calculate the amount of support obligation apportioned to the  
2 noncustodial parent without including day care and health  
3 insurance costs in the calculation and multiply the amount by  
4 1.5.

5         2. In accordance with subsections (9) and (10),  
6 calculate the amount of support obligation apportioned to the  
7 custodial parent without including day care and health  
8 insurance costs in the calculation and multiply the amount by  
9 1.5.

10         3. Calculate the percentage of overnight stays the  
11 child spends with each parent.

12         4. Multiply the noncustodial parent's support  
13 obligation as calculated in subparagraph 1. by the percentage  
14 of the custodial parent's overnight stays with the child as  
15 calculated in subparagraph 3.

16         5. Multiply the custodial parent's support obligation  
17 as calculated in subparagraph 2. by the percentage of the  
18 noncustodial parent's overnight stays with the child as  
19 calculated in subparagraph 3.

20         6. The difference between the amounts calculated in  
21 subparagraphs 4. and 5. shall be the monetary transfer  
22 necessary between the custodial and noncustodial parents for  
23 the care of the child, subject to an adjustment for day care  
24 and health insurance expenses.

25         7. Pursuant to subsections (7) and (8), calculate the  
26 net amounts owed by the custodial and noncustodial parents for  
27 the expenses incurred for day care and health insurance  
28 coverage for the child. ~~Day care shall be calculated without~~  
29 ~~regard to the 25 percent reduction applied by subsection (7).~~

30         8. Adjust the support obligation owed by the custodial  
31 or noncustodial parent pursuant to subparagraph 6. by

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crediting or debiting the amount calculated in subparagraph 7.  
This amount represents the child support which must be  
exchanged between the custodial and noncustodial parents.

9. The court may deviate from the child support amount  
calculated pursuant to subparagraph 8. based upon the  
considerations set forth in paragraph (a), as well as the  
~~custodial parent's~~ low income of either parent or the  
inability of either parent ~~and ability~~ to maintain the basic  
necessities of the home for the child, the likelihood that the  
noncustodial parent will actually exercise the visitation  
granted by the court, and whether all of the children are  
exercising the same parenting ~~shared parental~~ arrangement.

10. For purposes of adjusting any award of child  
support under this paragraph, "substantial amount of time"  
means that the noncustodial parent exercises visitation at  
least 20 ~~40~~ percent of the overnights of the year.

(c) A noncustodial parent's failure to exercise  
court-ordered or agreed visitation not caused by the custodial  
parent which resulted in the adjustment of the amount of child  
support pursuant to subparagraph (a)10. or paragraph (b) shall  
be deemed a substantial change of circumstances for purposes  
of modifying the child support award. A modification pursuant  
to this paragraph shall be retroactive to the date the  
noncustodial parent first failed to regularly exercise  
court-ordered or agreed visitation.

(d) A split parenting arrangement exists when there is  
more than one child in common and each parent has the majority  
of the overnight timesharing for at least one of the children.  
In cases involving split parenting arrangements, the court  
shall calculate and issue a separate child support order for  
each parent based on the number of children for which that

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1 parent has the majority of the overnight timesharing, and the  
2 difference between the two calculations is the amount to be  
3 paid by the parent with the higher child support order amount.

4 (12)(a) A parent with a support obligation may have  
5 other children living with him or her who were born or adopted  
6 after the support obligation arose. If such subsequent  
7 children exist, the court, when considering an upward  
8 modification of an existing award, may disregard the income  
9 from secondary employment obtained in addition to the parent's  
10 primary employment if the court determines that the employment  
11 was obtained primarily to support the subsequent children.

12 (b) Except as provided in paragraph (a), the existence  
13 of such subsequent children should not as a general rule be  
14 considered by the court as a basis for disregarding the amount  
15 provided in the guidelines schedule. The parent with a support  
16 obligation for subsequent children may raise the existence of  
17 such subsequent children as a justification for deviation from  
18 the guidelines schedule. However, if the existence of such  
19 subsequent children is raised, the income of the other parent  
20 of the subsequent children shall be considered by the court in  
21 determining whether or not there is a basis for deviation from  
22 the guideline amount.

23 (c) The issue of subsequent children under paragraph  
24 (a) or paragraph (b) may only be raised in a proceeding for an  
25 upward modification of an existing award and may not be  
26 applied to justify a decrease in an existing award.

27 (13) If the recurring income is not sufficient to meet  
28 the needs of the child, the court may order child support to  
29 be paid from nonrecurring income or assets.

30 (14) Every petition for child support or for  
31 modification of child support shall be accompanied by an

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1 affidavit which shows the party's income, allowable  
2 deductions, and net income computed in accordance with this  
3 section. The affidavit shall be served at the same time that  
4 the petition is served. The respondent, whether or not a  
5 stipulation is entered, shall make an affidavit which shows  
6 the party's income, allowable deductions, and net income  
7 computed in accordance with this section. The respondent shall  
8 include his or her affidavit with the answer to the petition  
9 or as soon thereafter as is practicable, but in any case at  
10 least 72 hours prior to any hearing on the finances of either  
11 party.

12 (15) For purposes of establishing an obligation for  
13 support in accordance with this section, if a person who is  
14 receiving public assistance is found to be noncooperative as  
15 defined in s. 409.2572, the IV-D agency is authorized to  
16 submit to the court an affidavit attesting to the income of  
17 the custodial parent based upon information available to the  
18 IV-D agency.

19 (16) The Legislature shall review the guidelines  
20 established in this section at least every 4 years beginning  
21 in 1997.

22 (17) In an initial determination of child support,  
23 whether in a paternity action, dissolution of marriage action,  
24 or petition for support during the marriage, the court has  
25 discretion to award child support retroactive to the date when  
26 the parents did not reside together in the same household with  
27 the child, not to exceed a period of 24 months preceding the  
28 filing of the petition, regardless of whether that date  
29 precedes the filing of the petition. In determining the  
30 retroactive award in such cases, the court shall consider the  
31 following:

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1 (a) The court shall apply the guidelines schedule in  
2 effect at the time of the hearing subject to the obligor's  
3 demonstration of his or her actual income, as defined by  
4 subsection (2), during the retroactive period. Failure of the  
5 obligor to so demonstrate shall result in the court using the  
6 obligor's income at the time of the hearing in computing child  
7 support for the retroactive period.

8 (b) All actual payments made by the noncustodial  
9 parent to the custodial parent or the child or third parties  
10 for the benefit of the child throughout the proposed  
11 retroactive period.

12 (c) The court should consider an installment payment  
13 plan for the payment of retroactive child support.

14 Section 3. Subsection (10) of section 409.2564,  
15 Florida Statutes, is amended to read:

16 409.2564 Actions for support.--

17 (10) For the purposes of denial, revocation, or  
18 limitation of an individual's United States passport,  
19 consistent with 42 U.S.C. s. 652(k)(1), the Title IV-D agency  
20 shall have procedures to certify to the Secretary of the  
21 United States Department of Health and Human Services, in the  
22 format and accompanied by such supporting documentation as the  
23 secretary may require, a determination that an individual owes  
24 arrearages of support in an amount exceeding \$2,500 ~~\$5,000~~.  
25 Said procedures shall provide that the individual be given  
26 notice of the determination and of the consequence thereof and  
27 that the individual shall be given an opportunity to contest  
28 the accuracy of the determination.

29 Section 4. Section 409.25641, Florida Statutes, is  
30 amended to read:

31 409.25641 Procedures for processing automated

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1 administrative enforcement requests.--

2           (1) The department ~~Title IV-D agency~~ shall use  
3 automated administrative enforcement, as defined in Title IV-D  
4 of the Social Security Act, in response to a request from  
5 another state to enforce a support order and shall promptly  
6 report the results of enforcement action to the requesting  
7 state.

8           (2) This request:

9           (a) May be transmitted from the other state by  
10 electronic or other means.~~+~~

11           (b) Shall contain sufficient identifying information  
12 to allow comparison with the databases within the state which  
13 are available to the department. ~~Title IV-D agency; and~~

14           (c) Shall constitute a certification by the requesting  
15 state:

16           1. Of the amount of arrearage accrued under the order;  
17 and

18           2. That the requesting state has complied with all  
19 procedural due process requirements applicable to the case.

20           (3) If assistance is provided by the department ~~Title~~  
21 ~~IV-D agency~~ to another state as prescribed above, the  
22 department may not ~~neither state shall~~ consider the case to be  
23 transferred from the caseload of the other state to the  
24 caseload of the department, but the department may establish a  
25 corresponding case based on the other state's request for  
26 assistance ~~Title IV-D agency~~.

27           (4) The department ~~Title IV-D agency~~ shall maintain a  
28 record of:

29           (a) The number of requests received;

30           (b) The number of cases for which the department ~~Title~~  
31 ~~IV-D agency~~ collected support in response to such a request;

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and

(c) The amount of such collected support.

(5) The department shall have authority to adopt rules to implement this section.

Section 5. The Office of Program Policy Analysis and Government Accountability shall evaluate the effectiveness of the system currently used for complying with the federally required review of Florida's child support guidelines every 4 years. The evaluation shall include a comparison of all available methodologies being used by other states in conducting their reviews of their child support guidelines and include recommendations for either maintaining the current review process with the Legislature or transferring the responsibility to another entity. A report shall be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 31, 2007.

Section 6. This act shall take effect July 1, 2006.